

mŭkj kpy 'kkl u
dkfēd vuŭkkx&2

I d; k 237@dkfēd&2@2003&55%25%2002
ngjknū] 06 ekp] 2003

vf/kl ūpuk

çdh. kZ

I ūo/kku ds vuŭNn 309 ds i jŭrpd }kj k çnŭk 'kŕDr dk ç; kx djds Jh jkT; i ky fuEufyf[kr
fu; ekoyh cukrs gŭ&

mŭkj kpy I jdkjh I ōd %vuŭkkl u , oa vi hy% fu; ekoyh] 2003

1- I f{klr uke vkŭ i kjEHk&

¼1½ ; g fu; ekoyh ^mŭkj kpy I jdkjh I ōd %vuŭkkl u , oa vi hy% fu; ekoyh] 2003** dgyk; sxhA

¼2½ ; g rŭŭr çHkkoh gksxhA

¼3½ ; g 'Hkkjr dk I ūo/kku* ds vuŭNn 229 I s vkPNkfnr mPp ū; k; ky;] uŭhrky ds vfēdkfj; kx vkŭ
deŭpfj; kx ds fl ok; I ūo/kku ds vuŭNn 309 ds i jŭrpd ds v/khu jkT; i ky ds fu; e cukus dh
'kŕDr ds v/khu I jdkjh I ōdkx ij ykxŭ gksxhA

2- i f jHkk"kk, &

tc rd fo"r; ; k I nhkZ ea dkbZ çfrcŭy ckr u gkŭ bl fu; ekoyh e&

¼d½ ^fu; ūDr çkf/kdkjh** dk rkRi; Z I d ær I ōk fu; ekoyh ds v/khu inkx ij fu; ūDr djus ds fy,
I 'kDr çkf/kdkjh I s gŭ

¼e½ ^I ūo/kku** dk rkRi; Z Hkkjr dk I ūo/kku I s gŭ

¼f½ ^vk; kx** dk rkRi; Z mŭkj kpy ykd I ōk vk; kx I s gŭ

¼g½ ^foHkkxh; tkp** dk rkRi; Z bl fu; ekoyh ds fu; e&7 ds v/khu tkp I s gŭ

¼h½ ^vuŭkkl fud çkf/kdkjh** dk rkRi; Z fu; e&6 ds v/khu 'kkfLr; k; vf/kjkfi r djus ds fy, I 'kDr
fdl h çkf/kdkjh I s gŭ

¼i½ ^jkT; i ky** dk rkRi; Z mŭkj kpy ds jkT; i ky I s gŭ

¼j½ ^I jdkj** dk rkRi; Z mŭkj kpy dh jkT; I jdkj I s gŭ

¼k½ ^I jdkjh I ōd** dk rkRi; Z mŭkj kpy jkT; ds dk; &dyki kx ds I ærk ea ykd I ōk vkŭ in ij
fu; ūr fdl h 0; ūDr I s gŭ

¼l½ ^I eng d] [k] x vkŭ ?k ds inkx** dk rkRi; Z I d ær I ōk fu; ekoyh ; k bl I ærk ea I e; &I e;
ij tkjh I jdkj ds vknŭ kx ea bl : i ea mfYyf[kr inkx I s gŭ

¼m½ ^I ōk** dk rkRi; Z mŭkj kpy jkT; ds dk; &dyki kx ds I ærk ea ykd I ōk vkx vkŭ inkx I s gŭ

3- 'kkfLr; k;&

fuEufyf[kr 'kkfLr; k mi; Dr vſ i; kſr dkj.k gſus ij vſ tſ k vſxs mi dſl/kr gſ l jdkjh l ſodka ij vf/kjkfſr dh tk l dſxh %&

¼d½ y?kq 'kkfLr; k&

¼, d½ i f jfulnk(

¼nk½ fdl h fofufnZV vof/k dſ fy, ſru of) dſ jkſduk(

¼rhu½ vknſ kka dh mi ſkk ; k mudk mYyſku djus dſ dkj.k l jdkj dſ gpZ vkfFkd gkfu dſ i w kſr% ; k vſkr% ſru l ſ ol y fd; k tkuk(

¼pkj½ l eſg ^?k** i nka dſ /kkj.k djus okys 0; fDr; ka dſ ekeys ea tpeſuk %

ijUrq , dſ tpeſus dh /kujkf'k fdl h Hkh fLFkr eſ ml ekl dſ ſru dſ ftl ea tpeſuk vf/kjkfſr fd; k x; k gſ i Pphl çfr'kr l ſ vf/kd ugha gſxhA

¼[k½ nh?kZ 'kkfLr; k&

¼, d½ l p; h çHkko dſ l kFk ſruof) dk jkſduk(

¼nk½ fdl h fuEurj in ; k Jſkh ; k l e; ſruoku ; k fdl h l e; ſruoku ea fuEurj çØe ij voufr djuk(

¼rhu½ l ſok l ſ gVku tſ Hkfo"; ea fu; kſtu l ſ fujſgr ugha djrk gk(

¼pkj½ l ſok l ſ inP; çr tſ Hkfo"; ea fu; kſtu l ſ fujſgr djrk gkA

Li "Vhdj.k&bl fu; e dſ vFkZ dſ vlſrxſr fuEufyf[kr dſ 'kkfLr dh dſfV ea ugha ekuk tk; xk] vFkZr~%&

¼, d½ fdl h foHkxh; ij h{kk mYkh.kZ djus ea foQy jgus ij ; k l ſok dſ 'kkfLr djus okys fu; eka ; k vknſ kka dſ vuſ kj fdl h vl; 'krZ dſ i jk djus ea foQy jgus ij fdl h l jdkjh l ſod dh ſruof) dk jkſduk(

¼nk½ l ſok ea i f joh{kk ij fu; çDr fdl h 0; fDr dk i f joh{kk vof/k dſ nkſku ; k ml dh l ekfſr ij fu; çDr dſ fucſku ; k , d h i f joh{kk dſ 'kkfLr djus okys fu; eka ; k vknſ kka dſ vuſ kj l ſok ea çfrorſu(

¼rhu½ i f joh{kk ij fu; çDr fdl h 0; fDr dh i f joh{kk vof/k dſ nkſku ; k ml dh l ekfſr ij l ſok dſ fucſku ; k , d h i f joh{kk dſ 'kkfLr djus okys fu; eka vſj vknſ kka dſ vuſ kj l ſok dk i ; bl ; uA

4- fuyEcu&

¼l½ dkbZ l jdkjh l ſod ftl dſ vkpj.k dſ fo#) dkbZ tkp vuſ; kr gſ ; k ml dh dk; bkgh py jgh gſ fu; çDr çkf/kdkjh dſ foſd ij tkp dh l ekfſr dſ yfEcr jgus rd] fuyEcu dſ v/khu j [kk tk l dſxk %

çfrcU/k ; g gſ fd fuyEcu rc rd ugha djuk pkfg, tc rd fd l jdkjh l ſod dſ fo#) vſHkdFku brus xEHkhj u gka fd muds LFkkr dſ gſ tkus dh n'kk ea l ekl; r% nh?kZ 'kkfLr dk l eſpr vk/kkj gſ l drk gk%

vſxſj çfrcU/k ; g gſ fd jkT; iky jkjk bl fufeYk tkjh vknſk jkjk l 'kDr l æf/kr foHkxk/; {k l eſg ^d* vſj ^[k* i nka dſ l jdkjh l ſod ; k l jdkjh l ſodka dſ oxZ dſ bl fu; e dſ v/khu fuyfEcr dj l dſxk %

ijUrq ; g vſj Hkh fd l eſg ^x** vſj ^?k** i nka dſ fdl h l jdkjh l ſod ; k l jdkjh l ſodka dſ oxZ dſ ekeys ea fu; çDr çkf/kdkjh viuh 'kfDr bl fu; e dſ v/khu vius l ſ fuEurj çkf/kdkjh dſ çR; k; kſtr dj l dſxkA

1/2½ dkbz l jdkjh l ɔd] ftl ds l ærk ea ; k ftl ds fo#) fdl h vkijkf/kd vkjki l s l æfkr dkbz vlošk.k] tkp ; k fopkj.k] tks l jdkjh l ɔd ds : i ea ml dh fLFkr l s l æf/kr gS ; k ftl l s ml ds drD; ka ds fuoɔu djus ea l æV mRi lu gkus dh l kkkouk gks ; k ftl ea ufrd v/kerk vloxlLr gS yfEcr gkS fu; qDr cƒf/kdkjh ; k , s cƒf/kdkjh }kjk] ftl s bl fu; ekoyh ds v/khu fuyfEcr djus dh 'kDr cR; k; kƒtr dh xbl gks ml ds food ij rc rd fuyfEcr j [kk tk l dsk tc rd fd ml vkjki l s l æf/kr l eLr dk; bkg; k; l ekr u gks tk; A

1/3½ 1/d½ dkbz l jdkjh l ɔd ; fn og vMƒkfyl ?k.Vs l s vf/kd dh vof/k ds fy, vfHkj {kk ea fu#) fd; k x; k gks pkgs fujksk vkijkf/kd vkjki ij ; k vU; Fkk fd; k x; k gkS fuyfEcr djus ds fy, l {ke cƒf/kdkjh ds vkns'k }kjk fujksk ds fnukad l s ; FkkfLFkr fuyEcu ds v/khu j [kk x; k ; k fujUrj j [kk x; k l e>k tk; sxA

1/4½mi ; qDr l jdkjh l ɔd vfHkj {kk l s fueqDr fd; s tkus ds i 'pkr~ vi us fujksk ds ckjs ea l {ke cƒf/kdkjh dks fyf[kr : i l s l iƒpr djsxk vkS l e>s x; s fuyEcu ds fo#) vH; konu Hkh dj l dskA l {ke cƒf/kdkjh ekeys ds rF; ka vkS l ij fLFkr; ka ds l kFk&l kFk bl fu; e ea fn; s x; s mi cu/kka ds cdk'k ea vH; konu ij fopkj djus ds i 'pkr~ vfHkj {kk l s fueqDr gkus ds fnukad l s l e>s x; s fuyEcu dks tkjh j [kus ; k ml dk cƒrl gJ.k ; k mi karj.k djus ds fy, l eƒpr vkns'k ikfjr djsxkA

1/4½ dkbz l jdkjh l ɔd ml ds fl) nks'k Bgjk; s tkus ds fnukad l j ; fn fdl h vij/k ds fy, fl) nks'k Bgjk; s tkus ds dkj.k ml s vMƒkfyl ?k.Vs l s vf/kd vof/k ds dkjokl dh l tk nh xbl gS vkS ml s , s fl) nks'k ds QyLo: i rRdky i nP; q ugha fd; k x; k gS ; k gV; k ugha x; k gS rks bl fu; ekoyh ds v/khu fuyEcu ds fy, l {ke cƒf/kdkjh ds fdl h vkns'k l j ; FkkfLFkr] fuyEcu ds v/khu j [kk x; k ; k fujUrj j [kk x; k l e>k tk; sxA

Li "Vhdj.k&bl mi fu; e ea fufnZV vMƒkfyl ?k.Vs dh vof/k dh x.kuk fl) nks'k Bgjk; s tkus ds i 'pkr~ vkS bl c; kstu ds fy, dkjokl dh vkUrjfk; d dkykof/k; ka dkS ; fn dkbz gkS /; ku ea j [kk tk; sxA

1/5½ tgka fdl h l jdkjh l ɔd ij vkjkf i r i nP; q r ; k l ɔk l s gV; s tkus dh 'kkfLr dks bl fu; ekoyh ; k bl fu; ekoyh }kjk fo[kMƒr fu; ekoyh ds v/khu vihy ea ; k i ƒfoZykadu ea vi kLr dj fn; k tk; vkS ekeys dh vxarj tkp ; k dk; bkg dh fy, fdUgha vU; funZ kka ds l kFk cƒ"kr dj fn; k tk; ogk&

1/d½ ; fn og 'kkfLr fn; s tkus ds Bh d i ɔl fuyEcu ds v/khu Fkk] rks ml ds fuyEcu ds vkns'k dkS mi ; qDr fdUgha , s s funZ kka ds v/; /khu jgrs gq] i nP; q r ; k gVkus ds ey vkns'k ds fnukad dks vkS l j fujUrj ɔoYk gqk l e>k tk; sX(

1/4½ ; fn og fuyEcu ds v/khu ugha Fkk] rks ; fn ml s vihy ; k i ƒjh{k.k djus okys cƒfekdkjh }kjk bl cdkj funf'kr fd; k tk; j i nP; q r ; k gVkus ds ey vkns'k dks vkS l s fu; qDr cƒf/kdkjh ds vkns'k l s fuyEcu ds v/khu j [kk x; k l e>k tk; sX %

cƒrcU/k ; g gS fd bl mi fu; e ea fdl h ckr dk ; g vFkZ ugha yxk; k tk; sX fd og , s s ekeys ea tgka fdl h l jdkjh l ɔd ij i nP; q r ; k l ɔk l s gV; s tkus dh vf/kjkf i r 'kkfLr

dkS bl fu; ekoyh ds v/khu fdl h vihy ; k iujh{k.k e} mu vfhkdFkuka d} ftu ij 'kkfLr vf/kjfir dh x; h Fkh] xq kka l s fHkUu vk/kkj ij vikLr dj fn; k x; k gk} fdUrq ekeys dh vxarj tkp ; k dk; bkgh ds fy, ; k fdUgha vU; funs kka ds l kFk çf"kr dj fn; k x; k gk} mu vfhkdFkuka ij ml ds fo#) vxarj tkp yfEcr jgrs gq fuyEcu vkns k] bl çdkj fd ml dk Hkury{kh çHkko ugha gksxk] i kfjr djus dh vuqkkl fud çkf/kdkjh dh 'kfDr dks çHkfor djrk gA

1/6½ tgka fdl h ljdkjh l od ij vkjkfir inP; fr ; k l ok l s gVkus dh 'kkfLr dks fdl h fofek U; k ky; ds fofu'p; ; k ifj.kkeLo: i vikLr dj fn; k tk; ; k 'kU; ?kkf"kr dj fn; k tk; ; k 'kU; dj fn; k tk; vkj fu; fDr çkf/kdkjh ekeys dh ifjLFkfr; ka ij fopkj djus ij] ml ds fo#) mu vfhkdFkuka ftu ij inP; fr ; k gVkus dh 'kkfLr ey; i ea vkjkfir dh xbz Fkh] vxarj tkp djus dk fofu'p; djrk gks pkgs os vfhkdFku vius ey; ea jga ; k mUga Li "V dj fn; k tk; ; k muds fofj.kka dks vkj vPNh rjg fofu"n"V dj fn; k tk; ; k muds fdl h Nks/s Hkx dk yki dj fn; k tk;] ogk&

1/d½ ; fn og 'kkfLr fn; s tkus ds Bhdl i nZ fuyEcu ds v/khu Fkh] rks ml ds fuyEcu ds vkns k dks fu; fDr çkf/kdkjh ds fdl h funs k ds v/; k/khu jgrs gq inP; fr ; k gVkus ds ey; vkns k ds fnukd dh vkj l s fujUvj çoYk gqvk l e>k tk; sxA

1/4½ ; fn og fuyEcu ds v/khu ugha Fkh rks ml s ; fn fu; fDr çkf/kdkjh }kjk bl çdkj funs"kr fd; k tk;] inP; fr ; k gVkus ds ey; vkns k ds fnukd dks vkj l s l {ke çkf/kdkjh ds fdl h vkns k }kjk fuyEcu ds v/khu j [k x; k l e>k tk; sxA

1/7½ tgka dkbZ ljdkjh l od 1/4pkgs fdl h vuqkkl fud dk; bkgh ds l aZk ea ; k vU; Fkh½ fuyfEcr dj fn; k tk; ; k fuyfEcr fd; k x; k l e>k tk; vkj dkbZ vU; vuqkkl fud dk; bkgh ml fuyEcu ds nkj ku ml ds fo#) çkjEHk dj nh tk;] ogka fuyfEcr djus ds fy, l {ke çkf/kdkjh vfhkfyf[kr fd; s tkus okys dkj.kka l s ; g funs k ns l dsk fd ljdkjh l od rc rd fuyfEcr cuk jgsk tc rd , d h l eLr ; k dkbZ dk; bkgh l ekr u dj nh tk; A

1/8½ bl fu; e ds v/khu fn; k x; k ; k fn; k x; k l e>k x; k ; k çoYk cuk gqvk dkbZ fuyEcu vkns k rc rd çoYk cuk jgsk tc rd fdl h l {ke çkf/kdkjh }kjk ml s mi kUrfjr ; k çfrl gr u dj fn; k tk; A

1/9½ bl fu; e ds v/khu fuyEcu ds v/khu l e>k x; k dkbZ ljdkjh l od Okbufu'k; y gS Mcp] [k.M nkj Hkx nks l s pkj ds QUMkedVY : y&53 ds mi cl/kka ds vuq kj mi knku HkYk i kus dk gdnkj gksxA

5- fuyEcu vof/k ea oru vkj HkUs vkfn&

bl fu; ekoyh ds v/khu ; FkfLFkfr fohkxh; tkp ; k vki jkf/kd ekeys ds vk/kkj ij vkns k i kfjr gks tkus ds i 'pkr- l af/kr ljdkjh l od ds oru vkj HkYkka ds ckjs ea fofu'p; vkj mDr vof/k dks M; W h ij fcrk; k x; k ekuk tk; sxA vFkok ugha ij fopkj djrs gq mDr ljdkjh l od dks ukfVI nslj Okbufu'k; y gS Mcp] [k.M nkj Hkx nks l s pkj ds fu; e&54 ds v/khu fofufnZV vof/k ds Hkhrj Li "Vhdj.k ekxus ds i 'pkr- vuqkkl fud çkf/kdkjh }kjk fd; k tk; sxA

6- vuq kkl fud i kf/kdkjh&

fdl h l jdkjh l oð dk fu; fDr çkf/kdkjh ml dk vuq kkl fud çkf/kdkjh gksk tks bl fu; ekoyh ds mi cu/ka ds v/; /khu jgrs gq ml ij fu; e&4 ea fofufnZV 'kkfLr; ka ea dkbZ 'kkfLr vkf/kj kfi r dj l dsk %

çfrcak ; g gS fd fdl h 0; fDr dks fdl h , d s çkf/kdkjh }kjk tks ml ds v/khuLFk gks ftl ds }kjk ml dh okLrfod : i ea fu; fDr dh x; h Fkh] inP; q ; k gVk; k ugha tk; sk %

vxarj çfrcak ; g gS fd mYjkapy Js kh&nks l ok %y?kq 'kkfLr; ka dk vkjksi .k½ fu; ekoyh] 2002 ds v/khu vf/kl fpr foHkxk/; {k bl fu; ekoyh ds mi cu/ka ds v/khu jgrs gq] bl fu; ekoyh ds fu; e&3 eamfYyf[kr y?kq 'kkfLr; k vf/kj kfi r djus ds fy, l 'kDr gksk %

çfrcak ; g Hkh gS fd bl fu; ekoyh ds v/khu jkT; l jdkj vf/kl fpr vkns'k }kjk l eng ^x* vkj ^?k* ds inka ds fdl h l jdkjh l oð ds ekeys ea inP; fR ; k l ok l s gVk; s tkus ds fl ok; fdl h Hkh 'kkfLr dks vf/kj kfi r djus dh 'kDr dks fu; fDr çkf/kdkjh ds v/khuLFk fdl h çkf/kdkjh dks , d h 'krkæ ds v/; k/khu jgrs gq tñ h ml ea fofgr dh tk; q çR; k; kftr dj l drh gA

7- nh?kz 'kkfLr; k vf/kj kfi r djus ds fy, i fØ; k&

fdl h l jdkjh l oð ij dkbZ nh?kz 'kkfLr vf/kj kfi r djus ds i oZ fuEufyf[kr jhfr l s tkp dh tk; sk %&

¼, d½ vuq kkl fud çkf/kdkjh Lo; a vkjksi ka dh tkp dj l drk gS ; k vius v/khuLFk fdl h çfekdkjh dks vkjksi ka dh tkp djus ds fy, tkp vf/kdkjh ds : i ea fu; fDr dj l drk gA

¼nk½ vopkj ds , d s rF; ka dks ftu ij dk; bkgh dk fd; k tkuk çLrkfor gkS fuf'pr vkjksi ; k vkjksi ka ds : i ea : i kUrj fd; k tk; sk ftl s vkjksi & i = dgk tk; skA vkjksi & i = vuq kkl fud çkf/kdkjh }kjk vupefnr vkj gLrk{kfj r fd; k tk; sk %

çfrcak ; g gS fd tgka fu; fDr çkf/kdkjh jkT; i ky gka ogka vkjksi & i = l æfekr foHkx ds ; FkkLFkfr] çeq[k l fpo ; k l fpo }kjk vupefnr fd; k tk l dskA

¼rhu½ fojpr vkjksi brus l f{klr vkj Li"V gks ftl l s vkj kfi r l jdkjh l oð ds fo#) rF; ka vkj i fjfLFkfr; ka ds i ; klr min'ku gks l dA vkjksi & i = ea çLrkfor nLrkosth l k{; ka vkj ml s fl) djus ds fy, çLrkfor xokga ds uke ekf[kd l k{; ka ds l kFk] ; fn dkbZ gkS vkjksi & i = eamfYyf[kr fd; s tk; skA

¼pkj½ vkj kfi r l jdkjh l oð l s ; g viçkk dh tk; sk fd og fdl h fofufnZV fnukad dks tks vkjksi & i = ds tkjh gkus ds fnukad l s 15 fnu l s de ugha gskk] 0; fDrxr : i l s viuh çfrj{kk ea , d fyf[kr dFku çLrç djs vkj ; g dFku djs fd vkjksi & i = eamfYyf[kr fdl h l k{kh dk çfrijh{kk djuk pkgrk gS vkj D; k og viuh çfrj{kk ea l k{; nuuk ; k çLrç djuk pkgrk gA ml dks ; g Hkh l fpr fd; k tk; sk fd fofufnZV fnukad dks ml ds mi lFkr u gkus ; k fyf[kr dFku nkf[ky u djus dh n'kk ea ; g mi /kkj .kk dh tk; sk fd ml ds ikl çLrç djus ds fy, dñ ugha gS vkj tkp vf/kdkjh , d i {kh; tkp ijh djus dh dk; bkgh djskA

¼i kp½ vkjki &i =] ml ea mfYyf[kr nLrkosth l k{; ka dh çfr vkj l kf{k; ka dh l uph vkj muds dFku] ; fn dkbZ gk] ds l kFk vkjkfir l jdkjh l ød dks 0; fDrxr : i l s ; k jftLVhÑr Mkd }kjk dk; kzy; vfHkys[ka ea mfYyf[kr i rs ij rkehy dh tk; sxh] mi; Ør jhfr l s vkjki &i = rkehy u dj; s tk l dus dh n'kk ea vkjki &i = dks 0; ki d i fjpkYu okys fdl h nñud l ekpj&i = ea çdk'ku }kjk rkehy dj; k tk, xk %

çfrcak ; g gS fd tgka nLrkosth l k{; fo'kky gks ogka bl dh çfr vkjki &i = ds l kFk çLrç djus ds ctk;] vkjkfir l jdkjh l ød dks ml s tkp vf/kdkjh ds l e{k fujh{k.k djus dh vuqk nh tk; sxhA

¼N½ tgka vkjkfir l jdkjh l ød mi fLFkr gkrk gS vkj vkjki ka dks Lohdkj djrk gS ogka tkp vf/kdkjh , d h vfHkLohÑfr ds vk/kkj ij viuh fj i kVZ vuqkkl fud çkf/kdkjh dks çLrç djxkA

¼kr½ tgka vkjkfir l jdkjh l ød vkjki ka dks bludkj djrk gS ogka tkp vf/kdkjh vkjki &i = ea çLrkfor l k{kh dks cykus dh dk; bkgH djxk vkj vkjkfir l jdkjh l ød dh mi fLFkr ea ft l s , d s l kf{k; ka dh çfrijh{k dk vol j fn; k tk; sx] muds ekS[kd l k{; dks vfHkfyf[kr djxkA mi; Ør l k{; ka dks vfHkfyf[kr djus ds i'pkr- tkp vfeKdkjh ml ekS[kd l k{; dks ekaxxk vkj ml s vfHkfyf[kr djxk ft l s vkjkfir l jdkjh l ød us viuh çfrij{k ea vius fyf[kr dFku ea çLrç djuk pkgk Fkk %

çfrcak ; g gS fd tkp vf/kdkjh , d s dkj.ka l s tks fyf[kr : i ea vfHkfyf[kr fd; s tk; xj fdl h l k{kh dks cykus l s bludkj dj l dxkA

¼vkB½ tkp vf/kdkjh mYkj çns'k foHkkxh; tkp ¼i k{; ka dks gkftj gkus vkj nLrkost i s k djus ds fy, ck/; djuk½ vf/kfu; e] 1976 ¼tks mYkj kpy ea m0ç0 i uxBu vf/kfu; e] 2000 dh /kjk 86 ds çkfo/kkuka ds vUrxr çHkkoh gS] ds mi cu/ka ds vuq kj vius l e{k fdl h l k{kh dks l k{; nus ds fy, cyk l dxk ; k fdl h 0; fDr l s nLrkost çLrç djus dh vi\$kk dj l dxkA

¼ukS½ tkp vf/kdkjh l R; dk i rk yxkus ; k vkjki ka l s l q ax rF; ka dk mfpr çek.k çklr djus dh nñV l s fdl h Hkh l e;] fdl h l k{kh l s ; k vkjkfir 0; fDr l s dkbZ Hkh ç'u] tks og pkgj i N l drk gA

¼nl ½ tgka vkjkfir l jdkjh l ød tkp ea fdl h fu; r fnukad ij ; k dk; bkgH ds fdl h Hkh Lrj ij ml s l upuk rkehy fd; s tkus ; k fnukad dh tkudkj j[kus ds ckotun mi fLFkr ugha gkrk gS rks tkp vf/kdkjh] , d i {kh; tkp dh dk; bkgH djxkA , d s ekeys ea tkp vf/kdkjh] vkjkfir l jdkjh l ød dh vuq fLFkr e] vkjki &i = ea mfYyf[kr l kf{k; ka ds dFku dks vfHkfyf[kr djxkA

¼k; kjg½ vuqkkl fud çkf/kdkjh] ; fn og , d k djuk vko'; d l e>rk gk] vkns'k }kjk ml dh vkj l s vkjki ds l efku ea ekeys dks çLrç djus ds fy, fdl h l jdkjh l øk ; k fofekd 0; ol k; h dks ft l s çLrçdrkZ vf/kdkjh dgk tk; sx] fu; Ør dj l drk gA

¼ckjg½ l jdkjh l ød viuh vkj l s ekeys dks çLrç djus ds fy, fdl h vU; l jdkjh l ød dh l gk; rk ys l drk gS fdUrq bl ç; kstu ds fy, fdl h fof/kd 0; ol k; h dh l øk rc rd ugha ys l drk gS tc rd fd vuqkkl fud çkf/kdkjh }kjk fu; Ør çLrçdrkZ vfeKdkjh dkbZ fof/kd

0; ol k; h u gks ; k vuqkkl fud çkf/kdkjh us ekeys dh i fjfLFkfr; ka dks /; ku ea j [krs gq] , d h vuqKk u nğ nh gks %

çfrca/k ; g gS fd ; g fu; e fuEufyf[kr ekeyka ea ykxw ugha gksxk %&

¼, d½ tgka fdl h 0; fDr ij dkbz nh?kz 'kkfLr , d s vkpj.k ds vk/kkj ij vf/kjkfiri dh x; h gks tks fdl h vkijkf/kd vkjksi ij ml s fl) nksk Bgjk; { ; k

¼nk½ tgka vuqkkl fud çkf/kdkjh dk , d s dkj.kka l s tks ml ds }kjk fyf[kr : i ea vfHkfyf[kr fd; s tk; xj ; g lek/kku gks tkrk gS fd bl fu; ekoyh ea micf/kr jhfr l s tkp djuk ; fDr; Dr : i l s 0; ogkfjd ugha gS ; k

¼hu½ tgka jkT; iky dk ; g lek/kku gks tk; s fd jkT; dh l g {kk ds fgr ea bl fu; ekoyh ea micf/kr jhfr l s tkp fd; k tkuk lephu ugha gA

8- tkp fjikVZ dk iLrfr fd; k tkuk&

tkp ij h gks tkus ij tkp vf/kdkjh tkp ds leLr vfHkys[kka ds l kFk viuh tkp fjikVZ vuqkkl fud çkf/kdkjh dks çLrfr djxkA tkp fjikVZ ea l f{klr rF; ka dk i; klr vfHkys[k] l k{; vkj çR; d vkjksi ij fu"d"KZ dk fooj.k vkj ml ds dkj.k vlrfZV gksA tkp vfedkj h 'kkfLr ds çks ea dkbz l Lrfr ugha djxkA

9- tkp fjikVZ ij dk; bkg h&

¼1½ vuqkkl fud çkf/kdkjh ljdkjh l od dks l ipuk nrs gq , d s dkj.kka l s tks fyf[kr : i ea vfHkfyf[kr fd; s tk; xj ekeyk i p% tkp ds fy, ml h ; k fdl h vl; tkp vfedkj h dks ç'kr dj l dksA rnijlur tkp vf/kdkjh ml Lrj l s ftl l s vuqkkl fud çkf/kdkjh }kjk funf'kr fd; k x; k gkS fu; e&7 ds micf/ka ds vuq kj tkp dh dk; bkg h djxkA

¼2½ vuqkkl fud çkf/kdkjh ; fn og fdl h vkjksi ds fu"d"KZ ij tkp vf/kdkjh l s vl ger gks rks ml vfHkfyf[kr fd; s tkus okys dkj.kka l s vius fu"d"KZ dks vfHkfyf[kr djxkA

¼3½ vkjksi fl) u gks dh n'kk ea vuqkkl fud çkf/kdkjh }kjk vkjkfiri ljdkjh l od dks vkjksi ka l s foeDr dj fn; k tk; xk vkj rnud kj ml s l fpr dj fn; k tk; xkA

¼4½ ; fn leLr ; k fdUgha vkjksi ka ds fu"d"KZ dks /; ku ea j [krs gq] vuqkkl fud çkf/kdkjh dh ; g jk; gks fd fu; e&3 ea fofufnZV dkbz 'kkfLr vkjkfiri ljdkjh l od ij vfedkjfiri gksuh pkfg,] rks og mi fu; e ¼2½ ds v/khu tkp fjikVZ vkj ml ds vfHkfyf[kr fu"d"KZ dh , d çfr vkjkfiri ljdkjh l od dks nsxk vkj ml l s ml dk vH; konu] ; fn og , d k pkgrk gkS , d ; fDr; Dr fofufnZV l e; ds Hkhrj çLrfr djus dh vi{kk djxkA vuqkkl fud çkf/kdkjh tkp vkj vkjkfiri ljdkjh l od ds vH; konu l s l cf/kr leLr l q ær vfHkys[kka dks /; ku ea j [krs gq] ; fn dkbz gkS vkj bl fu; ekoyh ds fu; e&16 ds micf/ka ds v/; k/khu jgrs gq bl fu; ekoyh ds fu; e&3 ea mfyf[kr , d ; k vf/kd 'kkfLr; k vf/kjkfiri djsr gq , d ; fDr l ær vkns k i kfjr djxk vkj ml s vkjkfiri ljdkjh l od dks l d fpr djxkA

10- y?kq 'kkfLr; k vf/kjkfiri djus ds fy, i fØ; k&

¼1½ tgka vuqkkl fud çkf/kdkjh dk l ek/kku gks tk; fd , d h çfØ; k dks vaxhdkj djus ds fy, l efpr vkj i ; klr dkj .k gñ ogka og mi fu; e ½2½ ds mi cl/kka ds v/; k/khu jgrs gq] fu; e&3 ea mfYyf[kr , d ; k vf/kd y?kq 'kkfLr; k; vf/kjkfir dj l dsxA

¼2½ l jdkjh l od dks ml ds fo#) vH; kjks .kka dk l kj l fpr fd; k tk; sxk vkj ml l s , d ; fDr; Dr l e; ds Hkhrj viuk Li "Vhdj .k çLrç djus dh viçkk dh tk; sxhA vuqkkl fud çkf/kdkjh mDr Li "Vhdj .k] ; fn dkbZ gkj vkj l d ær vfHkys[kka ij fopkj djus ds i'pkr- , d k vkns k tñ k og mfpr l e>rk gñ ikfjr djsxk vkj tgka dkbZ 'kkfLr vf/kjkfir dh tk;] ogka ml ds dkj .k fn; s tk; ~~sxA~~ vkns k l æf/kr l jdkjh l od dks l d fpr fd; k tk; sxkA

11- vihy&

¼1½ bl fu; ekoyh ds v/khu jkT; iky }kjk ikfjr vkns k ds fl ok; l jdkjh l od vuqkkl fud çkf/kdkjh }kjk ikfjr fdl h vkns k dh vihy vxys mPprj çkf/kdkjh dks djus dk gdnkj gksxA

¼2½ vihy] vihy çkf/kdkjh dks l ækf/kr vkj çLrç dh tk; sxhA ; fn dkbZ l jdkjh l od vihy djsxk rks og ml s vius uke l s çLrç djsxA vihy ea , d s l elr rkfrOd dFku vkj rdZ gkæS ftu ij vihykFkhZ Hkjkd k djrk gkA

¼3½ vihy ea fdl h vl a fer Hkk"kk dk ç; kx ugha fd; k tk; sxkA dkbZ vihy] ftl ea , d h Hkk"kk dk ç; kx fd; k tk;] l j l jh rkj ij [kkfjt dh tk l dsxA

¼4½ vihy vk{kfir vkns k dh l d fpuK ds fnukad l s 90 fnu ds Hkhrj çLrç dh tk; sxhA mDr vof/k ds i'pkr- dh xbZ dkbZ vihy l j l jh rkj ij [kkfjt dj nh tk; sxhA

12- vihy ij fopkj&

vihy çkf/kdkjh fuEufyf[kr ij fopkj djus ds i'pkr- vihy ea bl fu; ekoyh ds fu; e&13 ds [k. M ¼d½ l s ¼?k½ ea ; FkkmfYyf[kr , d k vkns k ikfjr djsxk tñ k og mfpr l e>s %&

¼d½ D; k , d s rF; ftu ij vkns k vk/kkfjr Fkk] LFkkfir fd; s tk pps gñ

¼[k½ D; k LFkkfir fd; s x; s rF; dk; bkgH djus ds fy, i ; klr vk/kkj çnku djrs gñ vkj

¼x½ D; k 'kkfLr vR; f/kd] i ; klr ; k vi ; klr gñ

13- i qjh{k.k&

bl fu; ekoyh ea fdl h ckr ds gkrs gq Hkh] l jdkj Loçj .kk l s ; k l æf/kr l jdkjh l od ds vH; konu ij fdl h , d s ekeys ds vfHkys[k dks eæK l dsxh ftl dk fofu'p; ml ds vekhuLFk fdl h çkf/kdkjh }kjk bl fu; ekoyh }kjk çnYk 'kfDr dk ç; kx djs ds fd; k x; k gkç vkj

¼d½ , d s çkf/kdkjh }kjk ikfjr vkns k dh i fV dj l dsxh] ml dk mi kUrj dj l dsxh ; k ml s myV l dsxh] ; k

¼[k½ funs k ns l dsxh fd ekeys ea vxæj tkp dh tk;] ; k

¼x½ vkns k }kjk vf/kjkfir n.M dks de dj l dsxh ; k ml ea of) dj l dsxh] ; k

¼?k½ ekeys ea , d k vl; vkns k ns l dsxh tñ k og mfpr l e>A

14- i pfoykdu&

jkT; iky] ; fn ml ds l kku ea ; g ckr ykbz xbz gks fd vk{ki vkns k ikfjr djrs le; dkbz , d h ubz l kexh ; k l kç; dks isk u fd; k tk l dk Fkk ; k og miyCk ugha Fkk ; k fof/k dh dkbz , d h rkfrOd =fV gks x; h Fkh fti dk çHkko ekeys dh çNfr dks ifjofrñr djrk gkç rks og fdl h Hkh le; Loçç.kk l s ; k l æf/kr l jdkjh l od ds vñ; konu ij bl fu; ekoyh ds vekhu vius }kjk ikfjr fdl h vkns k dk i pfoykdu dj l dæA

15- 'kkfLr vf/kjkfir djus ; k of) djus ds iñz vol j&

fu; e&12] 13 vkç 14 ds v/khu 'kkfLr vf/kjkfir djus ; k ml ea of) djus dk dkbz vkns k rc rd ugha fd; k tk; sç tc rd fd l æf/kr l jdkjh l od dks çLrkfor ; FkkfLFkfr] vfekjkfir djus ; k of) djus ds fo#) dkj . k crkus dk ; fDr; fDr vol j u fn; k x; k gkA

16- vk; kx l s i jke'k&

bl fu; ekoyh ds v/khu jkT; iky }kjk fdl h vkns k ds ikfjr fd; s tkus ds iñz le; ≤ ij ; Fkkl ækf/kr mYkj çns k ykd l ok ¼NR; ka dk ifj l heu½ fofu; ej 1954 ¼tks mYkj kpy ea m0 ç0 i puxBu vf/kfu; ej 2000 dh /kkjk 86 ds çkfo/kkuka ds vlrxñr çHkkoh g½ ds v/khu ; Fkk vi f{kr vk; kx l s Hkh i jke'kz fd; k tk; sçA

17- fo[k.Mu vkç 0; koñk&

¼1½ mYkj çns k v/khuLFk l okvka ds fy, n.M , oa vihy fu; ekoyh] 1932 ea mfYyf[kr 'kfDr; ka dk çR; k; kstu vkç fl foy l ok ¼oxhñdj . k] fu; æ.k , oa vihy½ fu; ekoyh] 1930 ; k m0 ç0 v/khuLFk l okvka ds fy, n.M , oa vihy fu; ekoyh] 1932 ds v/khu tkjh fd; k x; k dkbz , d k vkns k fti ea fdl h ikf/kdkjh dh fu; e&3 ea mfYyf[kr fdUgha 'kkfLr; ka dks vf/kjkfir djus dh 'kfDr ; k fuyEcu dh 'kfDr çR; k; kftr dh xbz gkç bl fu; ekoyh ds v/khu tkjh fd; k x; k le>k tk; sç vkç rc rd fof/kekñ; jgçk tc rd fd ml sjnn ; k fo[kfMr u dj fn; k tk; A

¼2½ bl fu; ekoyh ds çoyk gkus ds fnukad dks [k.M ¼1½ ea of.kñ fu; ekofy; ka ds vlrxñr vFkok m0 ç0 l jdkjh l od vuq kkl u , oa vihy fu; ekoyh] 1999 ds vlrxñr yfEcr dkbz tkp] vihy] i pjh{k.k ; k i pfoykdu tkjh jgçk vkç bl fu; ekoyh ds mi cñekka ds v/khu fu.kñr fd; k tk; sçA

¼3½ bl fu; ekoyh dh dkbz ckr fdl h 0; fDr dks fdl h vihy] i pjh{k.k ; k i pfoykdu ds , d s vf/kdkj ds çorñ l s ofpr ugha djsçh tks ml s bl fu; ekoyh ds çkjEHk gkus ds iñz fdl h ikfjr vkns k ds l æf/kr ea bl fu; ekoyh ds çorñ u gkus ij çkñr gkrs vkç bl fu; ekoyh ds çkjEHk ds iñz ikfjr fdl h vkns k ds l æf/kr ea vihy] i pjh{k.k ; k i pfoykdu dks bl fu; ekoyh ds v/khu nkf[ky dh tk; sç vkç rnuñ kj fuLrkfjr dh tk; sç ekuks bl fu; ekoyh ds mi cñ/k l Hkh l kjoku le; ij çoyk FkA

vkKk l ç

vkkyd dñkj tñj
l fpoA

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no. 237/Karmik-2/2003-55(25) 2002, dated March 06, 2003.

No. 237/Karmik-2/2003-55(25) 2002

Dated Dehradun, March 06, 2003

NOTIFICATION

Miscellaneous

In exercise of the powers conferred by the proviso of Article 309 of the Constitution, the Governor is pleased to make the following Rules:--

THE UTTARANCHAL GOVERNMENT SERVANT (DISCIPLINE AND APPEAL) RULES, 2003

1. Short title and Commencement--

(1) These rules may be called the "The Uttaranchal Government Servant (Discipline and Appeal) Rules, 2003".

(2) They shall come into force at once.

(3) They shall apply to Government Servants under the rule making power of the Governor under the proviso to Article 309 of the Constitution except the Officers and Servants of the High Court of Judicature at Nainital covered under Article 229 of the Constitution of India.

2. Definitions--

In these Rules, unless there is anything repugnant in the subject or context--

(a) "Appointing Authority" means the Authority empowered to make appointments to the posts under the relevant service Rules;

(b) "Constitution" means the Constitution of India;

(c) "Commission" means the Uttaranchal Public Service Commission;

(d) "Departmental Inquiry" means the inquiry under rule-7 of these Rules;

(e) "Disciplinary Authority" means an Authority empowered under rule-6 to impose penalties;

(f) "Governor" means the Governor of Uttaranchal;

(g) "Government" means the State Government of Uttaranchal;

- (h) "Government Servant" means a person appointed to public services and posts in connection with the affairs of the State of Uttaranchal;
- (i) "Group A, B, C and D post" means the posts mentioned as such in the relevant Service Rules or the orders of the Government issued from time to time in this regard;
- (j) "Service" means the public services and posts in connection with the affairs of the State of Uttaranchal.

3. Penalties--

The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon the Government Servants :--

(a) Minor Penalties--

- (i) Censure;
- (ii) Withholding of increments for a specified period;
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders;
- (iv) Fine in case of persons holding Group "D" posts :

Provided that the amount of such fine shall in no case exceed twenty five percent of the months pay in which the fine is imposed.

(b) Major Penalties--

- (i) Withholding of increments with cumulative effect;
- (ii) Reduction to a lower post or grade or time scale or to a lower stage in a time scale;
- (iii) Removal from the Service which does not disqualify from future employment;
- (iv) Dismissal from the Service, which disqualifies from future employment.

Explanation--The following shall not amount to penalty within the meaning of this Rule, namely :--

- (i) Withholding of increment of a Government Servant for failure to pass a departmental examination or for failure to fulfil any other condition in accordance with the rules or orders governing the service;

- (ii) Reversion of a person appointed on probation to the Service during or at the end of the period of probation in accordance with the terms of appointment or the rules and orders governing such probation;
- (iii) Termination of the Service of a person appointed on probation during or at the end of the period of probation in accordance with the terms of the Service for the rules and orders governing such probation.

4. Suspension--

- (1) A Government Servant against whose conduct an inquiry is contemplated, or is proceeding may be placed under suspension pending the conclusion of the inquiry in the discretion of the Appointing Authority :

Provided that suspension should not be resorted to unless the allegations against the Government Servant are so serious that in the event of their being established may ordinarily warrant major penalty :

Provided further that concerned Head of the Department empowered by the Governor by an order in this behalf may place a Government Servant or class of Government Servants belonging to Group 'A' and 'B' posts under suspension under this Rule:

Provided also that in the case of any Government Servant or class of Government Servants belonging to Group 'C' and 'D' posts, the Appointing Authority may delegate its power under this Rule to the next lower authority.

- (2) A Government Servant in respect of, or against whom an investigation, inquiry or trial relating to a criminal charge, which is connected with his position as a Government Servant or which is likely to embarrass him in the discharge of his duties or which involves moral turpitude, is pending, may, at the discretion of the Appointing Authority or the Authority to whom the power of suspension has been delegated under these rules, be placed under suspension until the termination of all proceedings relating to that charge.
- (3) (a) A Government Servant shall be deemed to have been placed or, as the case may be, continued to be placed under suspension by an order of the Competent Authority to suspend, with effect from the date of his detention, if he is detained in custody, whether the detention is on criminal charge or otherwise, period exceeding forty eight hours.
- (b) The aforesaid Government Servant shall, after the release from the custody, inform in writing to the Competent Authority about his detention and may also make representation against the deemed suspension. The Competent Authority shall after considering the representation in the light of the facts and circumstances of the case as well as the provisions contained in this rule, pass appropriate order continuing the deemed suspension from the date of release from custody or revoking or modifying it.

- (4) Government Servant shall be deemed to have been placed or, as the case may be, continued to be placed under suspension by an order of the Competent Authority to suspend under these rules, with effect from the date of his conviction if in the event of a conviction for an offence he is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed removed consequent to such conviction.

Explanation--A period of forty eight hours referred to in sub-rule 11 be computed from the commencement of the imprisonment after the conviction and for this purpose, intermitent periods of imprisonment shall be taken to account.

- (5) Where a penalty of dismissal or removal from Service imposed upon a Government Servant is set aside in appeal or on review under these rules or under rules resinded by these rules and the case is remitted for further inquiry or action or with any other directions :

(a) If he was under suspension immediately before the penalty was awarded to him, the order of his suspension shall, subject to any such directions as aforesaid, be deemed to have continued in force on and from the date of the original order of dismissal or removal;

(b) If he was not under suspension, he shall, if so directed by the appellate or Reviewing Authority, be deemed to have been placed under suspension by an order of the Appointing Authority on and from the date of the original order of dismissal or removal :

Provided that nothing in this sub-rule shall be construe as affecting the power of the Disciplinary Authority in a case where a penalty of dimissal or removal in Service imposed upon a Government Servant is set aside in appeal or on review under these rules grounds other than the merits of the allegations which, the said penalty was imposed but the case is remitted for further inquiry or action or with any other directions to pass an order of suspension being further inquiry against him on those allegations so, however, that any such suspension shall not have retrospective effect.

- (6) Where penalty of dismissal or removal from Service imposed upon a Government Servant is set aside or declared or rendered void in consequence of or by a decision of a court of law and the Appointing Authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, whether the allegations remain in their original form or are clarified or their particulars better specified or any part thereof of a minor nature omitted :

(a) If he was under suspension immediately before the penalty was awarded to him, the order of his suspension shall, subject to any direction of the

Appointing Authority, be deemed to have continued in force on and from the date of the original order of dismissal or removal;

- (b) If he was not under such suspension, he shall, if so directed by the Appointing Authority, be deemed to have been placed under suspension by an order of the Competent Authority on and from the date of the original order of dismissal or removal.
 - (7) Where a Government Servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the Competent Authority to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government Servant shall continue to be under suspension till the termination of all or any of such proceedings.
 - (8) Any suspension ordered or deemed, to have been ordered or to have continued in force under this Rule shall continue to remain in force until it is modified or revoked by the Competent Authority.
 - (9) A Government Servant placed under suspension or deemed to have been placed under suspension under this rule shall be entitled to subsistence allowance in accordance with the provisions of Fundamental Rule-53 of the Financial Hand Book, Volume-II, Part II to IV.
5. Pay and allowances etc. of the suspension period--
After the order is passed in the departmental enquiry or in the criminal case, as the case may be under these rules, the decision as to the pay and allowances of the suspension period of the concerned Government Servant and also whether the said period shall be treated as spent on duty or not, shall be taken by the Disciplinary Authority after giving a notice to the said Government Servant and calling for his explanation within a specified period under rule-54 of the Financial Hand Book Volume-II part II to IV.
6. Disciplinary authority--
The Appointing Authority of a Government Servant shall be his Disciplinary Authority who, subject to the provisions of these rules, may impose any of the penalties specified in rule-3 on him :

Provided that no person shall be dismissed or removed by an authority subordinate to that by which he was actually appointed :

Provided further that the Head of Department notified under the Uttaranchal Class II Services (Imposition of Minor Punishments) Rules, 2003 subject to the provisions of these rules, shall be empowered to impose minor penalties mentioned in rule-3 of these rules :

Provided also that in case of a Government Servant belonging to Group 'C' and 'D' posts, the Government, by a notified order, may delegate the power to impose any penalty, except dismissal or removal from Service under these rules, to any Authority subordinate to the Appointing Authority and subject to such conditions as may be prescribed therein.

7. Procedure for imposing major penalties--

Before imposing any major penalty on a Government Servant, an inquiry shall be held in the following manner :--

- (i) The Disciplinary Authority may himself inquire into the charges or appoint an Authority subordinate to him as Inquiry Officer to inquire into the charges.
- (ii) The facts constituting the misconduct on which it is proposed to take action shall be reduced in the form of definite charge or charges to be called charge sheet. The chargesheet shall be approved by the Disciplinary Authority :

Provided that where the Appointing Authority is Governor, the chargesheet may be approved by the Principal Secretary or the Secretary, as the case may be, of the concerned department.

- (iii) The charges framed shall be so precise and clear as to give sufficient indication to the charged Government Servant of the facts and circumstances against him. The proposed documentary evidences and the name of witnesses proposed to prove the same alongwith oral evidences, if any, shall be mentioned in the chargesheet.
- (iv) The charged Government Servant shall be required to put in a written statement of his defence in person on a specified date which shall not be less than 15 days from the date of issue of chargesheet and to state whether he desires to cross examine any witness mentioned in the chargesheet and whether desires to give or produce evidence in his defence. He shall also be informed that in case he does not appear or file the written statement on the specified date, it will be presumed that he has none to furnish and Inquiry Officer shall proceed to complete the inquiry exparte.
- (v) The chargesheet, alongwith the copy of documentary evidences mentioned therein and list of witnesses and their statements, if any shall be served on the charged Government Servant personally or by registered post at the address mentioned in the official records in case the chargesheet could not be served in aforesaid manner, the chargesheet shall be served by publication in a daily news paper having wide circulation :

Provided that where the documentary evidence is voluminous, instead of furnishing its copy with chargesheet, the charged Government Servant shall be permitted to inspect the same before the Inquiry Officer.

- (vi) Where the charged Government Servant appears and admits the charges, the Inquiry Officer shall submit his report to the Disciplinary Authority on the basis of such admission.
- (vii) Where the charged Government Servant denies the charges the Inquiry Officer shall proceed to call the witnesses proposed in the chargesheet and record their oral evidence in presence of the charged Government Servant who shall be given opportunity to cross examine such witnesses. After recording the aforesaid evidences, the Inquiry Officer shall call and record the oral evidence which the charged Government Servant desired in his written statement to be produced in his defence :

Provided that the Inquiry Officer may for reasons to be recorded in writing refuse to call a witness.

- (viii) The Inquiry Officer may summon any witness to give evidence or require any person to produce documents before him in accordance with the provisions of the Uttar Pradesh Departmental Inquiries (Enforcement of Attendance of Witness and Production of Documents) Act, 1976 which is enforced in Uttaranchal under provisions of Section-86 of the Uttar Pradesh Reorganization Act, 2000.
- (ix) The Inquiry Officer may ask any question, he pleases, at any time of any witness or from person charged with a view to discover the truth or to obtain proper proof of facts relevant to charges.
- (x) Where the charged Government Servant does not appear on the date fixed in the inquiry or at any stage of the proceeding in spite of the Service of the notice on him or having knowledge of the Date the Inquiry Officer shall proceed with the inquiry exparte. In such a case the Inquiry Officer shall record the statement of witnesses mentioned in the chargesheet in absence of the charged Government Servant.
- (xi) The Disciplinary Authority, if it Considers it necessary to do so, may, by an order, appoint a Government Servant or a legal practitioner, to be known as "Presenting Officer" to present on its behalf the case in support of the charge.
- (xii) The Government Servant may take the assistance of any other Government Servant to present the case on his behalf but not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner of the Disciplinary Authority having regard to the circumstances of the case so permits :

Provided that this rule shall not apply in following case :--

- (i) Where any major penalty is imposed on a person on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) Where the Disciplinary Authority is satisfied, that for reason to be recorded by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or

(iii) Where the Governor is satisfied that, in the interest of the security of the State, it is not expedient to hold an inquiry in the manner provided in these rules.

8. Submission of Inquiry Report--

When the inquiry is complete, the Inquiry Officer shall submit its inquiry report to the Disciplinary Authority alongwith all the records of the inquiry. The inquiry report shall contain a sufficient record of brief facts, the evidence and statement of the findings on each charge and the reasons thereof. The Inquiry Officer shall not make any recommendation about the penalty.

9. Action on Inquiry Report--

(1) The Disciplinary Authority may, for reasons to be recorded in writing, remit the case for re-inquiry to the same or any other Inquiry Officer under intimation to the charged Government Servant. The Inquiry Officer shall thereupon proceed to hold the inquiry from such stage as directed by the Disciplinary Authority, according to the provisions of Rule-7.

(2) The Disciplinary Authority shall, if it disagrees with the findings of the Inquiry Officer on any charge, record its own findings thereon for reasons to be recorded.

(3) In case the charges are not proved, the charged Government Servant shall be exonerated the Disciplinary Authority of the charges and informed him accordingly.

(4) If the Disciplinary Authority, having regard to its findings on all or any of charges, is of the opinion that any penalty specified in rule-3 should be imposed on the charged Government Servant, he shall give a copy of the inquiry report and his findings recorded under sub-rule (2) to the charged Government Servant and require him to submit his representation if he so desires, within a reasonable specified time. The disciplinary Authority shall, having regard to all the relevant records relating to the inquiry and representation of the charged Government Servant, if any, and subject to the provisions of rule-16 of these rules, pass a reasoned order imposing one or more penalties mentioned in rule-3 of these rules and communicate the same to the charged Government Servant.

10. Procedure for imposing minor penalties--

(1) Where the Disciplinary Authority is satisfied that good and sufficient reasons exist for adopting such a course, it may, subject to the provisions of sub-rule (2) impose one or more of the minor penalties mentioned in rule-3.

- (2) The Government Servant shall be informed of the substance of the imputations against him and called upon to submit his explanation within a reasonable time. The Disciplinary Authority shall, after considering the said explanation, if any and the relevant records, pass such orders as he considers proper and where a penalty is imposed, reason thereof shall be given, the order shall be communicated to the concerned Government Servant.

11. Appeal--

- (1) Except the orders passed under these rules by the Governor, the Government Servant shall be entitled to appeal to the next higher authority from an order passed by the Disciplinary Authority.
- (2) The appeal shall be addressed and submitted to the Appellate Authority. A Government Servant Preferring an appeal shall do so in his own name. The appeal shall contain all material statements and arguments relied upon by the appellant.
- (3) The appeal shall not contain any intemperate language. Any appeal, which contains such language may be liable to be summarily dismissed.
- (4) The appeal shall be preferred within 90 days from the date of communication of impugned order. An appeal preferred after the said period shall be dismissed summarily.

12. Consideration of Appeals--

The Appellate Authority shall pass such order as mentioned in clauses (a) to (d) of rule-13 of these rules, in the appeal as he thinks proper after considering :--

- (a) Whether the facts on which the order was based have been established;
- (b) Whether the fact established afford sufficient ground for taking action; and
- (c) Whether the penalty is excessive adequate or inadequate.

13. Revision--

Notwithstanding anything contained in these rules, the Government may of its own motion or on the representation of concerned Government Servant call for the record of any case decided by an authority subordinate to it in the exercise of any power conferred on such authority by these rules; and

- (a) confirm, modify or reverse the order passed by such authority, or
- (b) direct that a further inquiry be held in the case, or
- (c) reduce or enhance the penalty imposed by the order, or
- (d) make such other order in the case as it may deem fit.

14. Review--

The Governor may, at any time, either on his own motion or on the representation of the concerned Government Servant review any order passed by him under these rules, if it has brought to his notice that any new material or evidence which could not be produced or was not available at the time of passing the impugned order or any material error of law occurred which has the effect of changing the nature of the case.

15. Opportunity before imposing or enhancing penalty--

No order under rules 12, 13 and 14 imposing or enhancing any penalty shall be made unless the Government Servant concerned has been given reasonable opportunity or showing cause against the proposed imposition or enhancement, as the case may be.

16. Consultation with the Commission--

Before any order is passed by the Governor under these rules, the Commission, as required under the U.P. Public Service Commission (Limitation of Function) Regulation, 1954 (Which is enforced in Uttaranchal under provision of rule-86 of the U.P. Reorganization Act, 2000) as amended from time to time, shall also be consulted.

17. Recission and savings--

(1) Delegation of power mentioned in Punishment and Appeal Rules for Subordinate Services U.P., 1932 and any order issued under the Civil Service (Classification, Control and Appeal) Rules, 1930 or Punishment and Appeal Rules for Subordinate Services, U.P., 1932 delegating the power of imposing any of the penalties mentioned in rule-3 or power of suspension the any authority shall be deemed to have been issued under these rules and shall remain valid unless cancelled or rescinded.

(2) Any inquiry appeal, revision or review pending on the date of coming into force of these rules shall be continued and concluded in accordance with the provisions of these rules.

(3) Nothing in these rules shall operate to deprive any person of any right of appeal, revision or review which he would have had if these rules had not been enforce in respect of any order passed before the commencement of these rules and such appeal, revision or view shall be preferred under these rules and disposed of according by as if the provisions of this rule were enforce at all material times.

By Order,

ALOK KUMAR JAIN,
Secretary.